THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 6013 OF 1999

DATED: 05-07-2006

BETWEEN:

D. Muralikrishna,
S/o. Madhava Rao … Petitioner

And

Bank of Maharastra, Secunderabad
Rep. by its Branch Manager
and another

…Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 6013 OF 1999

ORDER:

The writ petition was filed by the petitioner seeking a writ of Mandamus declaring the action of the respondents for recovery of PMRY Scheme loan from the petitioner without following the procedure of due process of law as illegal and arbitrary and against the principles of natural justice and direct the second respondent not to take any action against the petitioner.

Heard both sides.

It is the case of the petitioner that he has obtained a loan of Rs.95,000/- for centry work under Prime Minister's Rojgar Yojana Scheme (PMRY Scheme) on 04-07-1996 and the repayment was stipulated at Rs.2000/- per month from January, 1997. It is stated that 6 to 18 months moratorium period has been given to the petitioner for the repayment of the said loan within 3 to 7 years. But the bank has been taking coercive steps in spite of paying the instalments regularly. It is stated that the bank lodged a complaint to the police to take action

for recovery of the amount and the police are illegally interfering with the petitioner's business.

I am of the opinion that the bank cannot take help of the police for recovery of money. But in the counter it is stated that the respondent never filed any complaint before the police and the bank never lodged any complaint with the police. In view of the said averments made in the counter that the bank never lodged any complaint and the police never searched for the petitioner and the bank has been following due procedure prescribed under law for recovery of money only and the petitioner paid certain amount and still an amount of Rs.40,000/- was only due and payable as on 15-09-1999. I am of the opinion that the payment of the loan and recovery is purely a contractual matter between the petitioner and the first respondent and the petitioner can not invoke the extraneous jurisdiction of this Court under Article 226 to settle the so called disputes with regard to the alleged illegal recovery of the money.

Writ petition is accordingly dismissed. No costs.

_____

V. ESWARAIAH, J.

Dated: 05-07-2006
RNS